

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herein, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-27 are pending. Claims 1, 12, 21-22, and 25-26, which are independent, are hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification as originally filed, and specifically at pages 39-40. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103**

Claims 1, 2, 3, and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,631,523 to Matthews et al. (hereinafter, merely "Matthews") in view of U.S. Patent No. 5,880,720 to Iwafune et al. (hereinafter, merely "Iwafune"), U.S. Patent No. 5,847,703 to Teicher et al. (hereinafter, merely "Teicher"), U.S. Patent No. 5,945,987 to Dunn (hereinafter, merely "Dunn"), U.S. Patent No. 5,666,645 to Thomas et al. (hereinafter, merely "Thomas"), and U.S. Patent No. 6,898,762 to Ellis et al. (hereinafter, merely "Ellis").

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matthews, in view of Iwafune, Teicher, Dunn, Thomas, and Ellis, and further in view of U.S. Patent No. 6,005,631 to Anderson et al. (hereinafter, merely “Anderson”).

Claims 5, 6, and 7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matthews, in view of Iwafune, Teicher, Dunn, Thomas, and Ellis, and further in view of U.S. Patent No. 6,553,178 to Abecassis (hereinafter, merely “Abecassis”).

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matthews in view of Iwafune, Teicher, Dunn, Thomas and Ellis, and further in view of U.S. Published Application No. 2003/0056208 to Kamada et al. (hereinafter, merely “Kamada”).

Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matthews in view Iwafune, Teicher, Dunn, Thomas and Ellis, and Kamada, and further in view of U.S. Published Application No. 2003/0135853 to Goldman et al. (hereinafter, merely “Goldman”).

Claims 12-15, 17-20, 22-24, 26, and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matthews in view of Iwafune, Teicher, Dunn, Thomas, and Ellis, and further in view of U.S. Published Application No. 2003/0135864 to Barth (hereinafter, merely “Barth”).

Claim 16 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matthews in view Iwafune, Teicher, Dunn, Thomas, Ellis, and Barth, and further in view of U.S. Patent No. 6,449,654 to Blackwell et al. (hereinafter, merely “Blackwell”).

Claim 21 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Matthews in view Iwafune, Teicher, Thomas and Ellis.

### III. RESPONSE TO REJECTIONS

As understood by Applicants, Ellis relates to a client-server interactive television program guide system in which an interactive television program guide provides users with an opportunity to define expressions that are processed by the program guide server. The program guide server may provide program guide data, schedules reminders, schedules program recordings, and parentally locks programs based on the expressions.

Claim 1 recites, *inter alia*:

“... said broadcasting contents information being processed into said summary playback information in one of two ways,

wherein, in a first way, said summary playback information is automatically extracted from said broadcasting contents information when said broadcasting contents information can be uniformly processed, **wherein said first way extracts broadcasting contents information from a database and allocates the extracted broadcasting contents information by field using a template, ...**” (Emphasis added)

Applicants respectfully submit that nothing has been found in Matthews, Iwafune, Teicher, Dunn, Thomas, or Ellis, taken alone or combination, that would disclose or suggest the above-identified features of claim 1. Specifically, Applicants respectfully submit that Matthews, Iwafune, Teicher, Dunn, Thomas, and Ellis fail to teach or suggest that said summary playback information is automatically extracted from said broadcasting contents information when said broadcasting contents information can be uniformly processed, by extracting broadcasting contents information from a database and allocating the extracted broadcasting contents information by field using a template, as recited in claim 1.

In addition, Applicants respectfully submit that the Office Action has relied on impermissible hindsight using flawed reconstructive reasoning to construct Applicants' claimed

invention from a mosaic of features in the prior art. M.P.E.P. §2141.01(III) expressly forbids this tempting practice:

The requirement "at the time the invention was made" is to avoid impermissible hindsight.

**"It is difficult but necessary that the decisionmaker forget what he or she has been taught . . . about the claimed invention and cast the mind back to the time the invention was made (often as here many years), to occupy the mind of one skilled in the art who is presented only with the references, and who is normally guided by the then-accepted wisdom in the art."** *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984, emphasis added).

Additionally, M.P.E.P. §2143.01(III) emphasizes:

**The mere fact that references can be combined or modified does not render the resultant combination obvious** unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990, emphasis added.)

For at least this reason of reconstruction based on impermissible hindsight, claim 1 should be allowed.

Claims 12, 21-22, and 25-26 are similar, or somewhat similar, in scope to claim 1, and are therefore patentable for similar, or somewhat similar, reasons.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above, and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

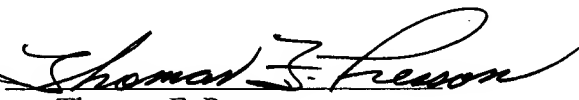
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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